© Government of Kerala
1978

Reg. No. KL/TV/12

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 5894-Leg. C1/78/Law. *Dated, Trivandrum, 5th August, 1978/ 14th Sravana, 1900.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 4th day of August, 1978.

By order of the Governor,

K. VISWANATHAN NAIR,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/3061/MC.

ACT 23 OF 1978

THE UNIVERSITY LAWS (AMENDMENT) ACT, 1978

An Act further to amend the Kerala University Act, 1974 *and the Calicut University Act,* 1975.

Preamble.—WHEREAS it is expedient further to amend the Kerala University Act, 1974 and the Calicut University Act, 1975, for the purposes hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 21st day of April, 1978.

2. *Amendment of Act 17 of* 1974.—In the Kerala University Act, 1974 (17 of 1974),—

(1) in section 10, after sub-section (15), the following sub-sections shall be inserted, namely:—

"(15A) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of that examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(15B) Any person nominated by the Vice-Chancellor under sub-section (15A) shall be deemed to be an examiner included in the panel approved by the Syndicate.";

(2) after section 80, the following section shall be inserted, namely:—

"80A. *Duty of teachers, etc., in connection with University examinations.*—(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor,

to do any work in connection with an examination conducted by the University, when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation.—Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purposes of this sub-section.

(3) An order of forfeiture under sub-section (2) shall be made,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said sub-section; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in sub-section (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of being heard and after such further inquiry as may be necessary, pass such order thereon as it deems fit.".

3. *Amendment of Act 5 of 1975.*—In the Calicut University Act, 1975 (5 of 1975),—

(1) in section 10, after sub-section (15), the following sub-sections shall be inserted, namely:—

"(15A) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of that examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(15B) Any person nominated by the Vice-Chancellor under sub-section (15A) shall be deemed to be an examiner included in the panel approved by the Syndicate.";

(2) after section 79, the following section shall be inserted, namely:—

"79A. *Duty of teachers, etc., in connection with University examinations.*—(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University, which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor,

to do any work in connection with an examination conducted by the University, when required to do so by the competent officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation.—Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purposes of this sub-section.

(3) An order of forfeiture under sub-section (2) shall be made,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said sub-section; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in sub-section (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of being heard and after such further inquiry as may be necessary, pass such order thereon as it deems fit.".

4. *Repeal and saving.*—(1) The University Laws (Amendment) Ordinance, 1978 (12 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Kerala University Act, 1974 (17 of 1974) or the Calicut University Act, 1975 (5 of 1975), as amended by the said Ordinance, shall be deemed to have been done or taken under the Kerala University Act, 1974 or the Calicut University Act, 1975, as the case may be, as amended by this Act.

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KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Leg .A) Department

NOTIFICATION

No. 11886-Leg(A)2/78/Law. *Dated, Trivandrum, 5th August 1978/ 14ht Sravana, 1900*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 4th day of August, 1978.

By order of the Governor,

K. Viswanathan Nair,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

3/2978/MC.

ACT 22 OF 1978

THE KERALA APPROPRIATION (No. 3) ACT, 1978

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1978-79.

Preamble.—WHEREAS it is necessary to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Kerala for the services of the financial year 1978-79;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Appropriation (No. 3) Act, 1978.

2. *Issue of Rs. 21,20,02,700 from and out of the Consolidated Fund of the State of Kerala for the financial year 1978-79.*—From and out of the Consolidated Fund of the State of Kerala, there may be paid and applied sums not exceeding those specified in column (3) of the Schedule amounting in the aggregate to the sum of twenty-one crores, twenty lakhs, two thousand and seven hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1978-79, in respect of the services and purposes specified in column (2) of the Schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Kerala by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

(1)	(2)		(3)		
			Sums not exceeding		
Demand Number	*Services and purposes*		*Voted by the Legislative Assembly* Rs.	*Charged on the Consolidated Fund* Rs.	*Total* Rs.
II	Heads of States, Ministers and Headquarters Staff	Revenue	..	50,000	50,000
III	Administration of Justice	Revenue	400	..	400
V	Agricultural Income Tax and Sales Tax	Revenue	100	..	100
IX	Taxes on Vehicles	Revenue	100	..	100
X	Treasury and Accounts	Revenue	62,700	..	62,700
XI	District Administration and Miscellaneous	Revenue	42,000	..	42,000
XII	Police	Revenue	100	..	100
XIV	Stationery and Printing and Other Administrative Services	Revenue	10,00,000	..	10,00,000
XV	Public Works	Revenue	500	..	500
		Capital	1,800	..	1,800
XVI	Pensions and Miscellaneous	Revenue	25,69,100	..	25,69,100

(1)	(2)		(3)		
			Sums not exceeding		
Demand Number	*Services and purposes*		*Voted by the Legislative Assembly* Rs.	*Charged on the Consolidated Fund* Rs.	*Total* Rs.
XVII	Education, Art and Culture	Revenue	21,00,200	..	21,00,200
		Capital	3,00,200	..	3,00,200
XVIII	Medical	Revenue	10,00,100	..	10,00,100
		Capital	2,00,200	..	2,00,200
XX	Public Health	Revenue	100	..	100
XXI	Public Health Engineering	Revenue	100	..	100
XXII	Housing	Revenue	92,50,000	1,58,200	94,08,200
		Capital	7,38,800	..	7,38,800
XXIII	Urban Development	Capital	30,00,000	..	30,00,000
XXIV	Information and Publicity	Revenue	4,00,000	..	4,00,000
XXV	Labour and Employment	Revenue	10,00,00,000	..	10,00,00,000
XXVI	Social Welfare including Harijan Welfare	Revenue	1,08,85,200	..	1,08,85,200
		Capital	4,00,100	..	4,00,100
XXVIII	Co-operation	Revenue	100	..	100
		Capital	200	..	200

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XXIX	Miscellaneous Economic Service	Capital	10,00,000	..	10,00,000
XXX	Agriculture	Revenue	5,49,96,700	..	5,49,96,700
XXXII	Animal Husbandry	Revenue	100	..	100
XXXIV	Fisheries	Revenue	50,00,100	11,300	50,11,400
XXXVI	Community Development	Capital	10,00,000	..	10,00,000
XXXVII	Industries	Revenue	23,00,000	..	23,00,000
		Capital	1,47,20,000	..	1,47,20,000
		Revenue	200	..	200
XXXVIII	Irrigation	Capital	800	6,79,600	6,80,400
XXXIX	Power	Capital	100	..	100
XL	Ports	Revenue	1,33,300	..	1,33,300
		Capital	200	..	200
	Total		21,11,03,600	8,99,100	21,20,02,700

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GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 10021-1/Leg. C2/78/Law. *Dated, Trivandrum, 5th August 1978/ 14th Sravana, 1900.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 4th day of August, 1978.

By order of the Governor,
K. VISWANATHAN NAIR,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.C.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/3062/MC.

ACT 24 OF 1978

THE KERALA MUNICIPAL COUNCILS (EXTENSION OF TERM OF OFFICE OF COUNCILLORS) AMENDMENT ACT, 1978

An Act to amend the Kerala Municipal Councils (Extension of Term of Office of Councillors) Act, 1978.

Preamble.—WHEREAS it is expedient to amend the Kerala Municipal Councils (Extension of Term of Office of Councillors) Act, 1978, for the purpose hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Municipal Councils (Extension of Term of Office of Councillors) Amendment Act, 1978;

(2) It shall be deemed to have come into force on the 31st day of May, 1978.

2. *Amendment of section 2.*—In section 2 of the Kerala Municipal Councils (Extension of Term of Office of Councillors) Act, 1978 (9 of 1978) (hereinafter referred to as the principal Act), for the figures, letters and words "1st day of June, 1978", the figures, letters and words "1st day of November, 1978" shall be substituted.

3. *Repeal and saving.*—(1) The Kerala Municipal Councils (Extension of Term of Office of Councillors) Amendment Ordinance, 1978 (16 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 10021-2/Leg. C2/78/Law. *Dated, Trivandrum 5th August 1978/ 14th Sravana 1900.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 4th day of August, 1978.

By order of the Governor,

K. VISWANATHAN NAIR,

Law Secretary.

33/3063/MC.

ACT 25 OF 1978

THE TRIVANDRUM MUNICIPAL CORPORATION (DISSOLUTION) SECOND AMENDMENT ACT, 1978

An Act further to amend the Trivandrum Municipal Corporation (Dissolution) Act, 1976.

Preamble.—WHEREAS it is expedient further to amend the Trivandrum Municipal Corporation (Dissolution) Act, 1976, for the purposes hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Trivandrum Municipal Corporation (Dissolution) Second Amendment Act, 1978.

(2) It shall be deemed to have come into force on the 31st day of May, 1978.

2. *Amendment of Section 6.*—In section 6 of the Trivandrum Municipal Corporation (Dissolution) Act, 1976 (8 of 1976) (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the figures, letters and words "1st day of June, 1978", the figures, letters and words "1st day of November, 1978" shall be substituted;

(b) in sub-section (2), for the figures, letters and words "1st day of June, 1983", the figures, letters and words "1st day of November, 1983" shall be substituted.

3. *Repeal and saving.*—(1) The Trivandrum Municipal Corporation (Dissolution) Second Amendment Ordinance, 1978 (17 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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GOVERNMENT OF KERALA

Law (Leg. C). Department

NOTIFICATION

No. 10021-3/Leg. C2/78/Law. *Dated, Trivandrum, 5th August 1978/ 14th Sravana, 1900.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 4th day of August, 1978.

By order of the Governor,
K. VISWANATHAN NAIR,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/3064/MC

ACT 26 OF 1978

THE CALICUT MUNICIPAL CORPORATION (EXTENSION OF TIME FOR RECONSTITUTION) SECOND AMENDMENT ACT, 1978

An Act further to amend the Calicut Municipal Corporation (Extension of Time for Reconstitution) Act, 1976.

Preamble.—WHEREAS it is expedient further to amend the Calicut Municipal Corporation (Extension of Time for Reconstitution) Act, 1976, for the purposes hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:

1. *Short title and commencement.*—(1) This Act may be called the Calicut Municipal Corporation (Extension of Time for Reconstitution) Second Amendment Act, 1978.

(2) It shall be deemed to have come into force on the 31st day of May 1978.

2. *Amendment of Section* 3.—In section 3 of the Calicut Municipal Corporation (Extension of Time for Reconstitution) Act, 1976 (3 of 1977) (hereinafter referred to as the principal Act),—

(a) in sub-sections (1) and (2), for the figures, letters and words "1st day of June, 1978", the figures, letters and words "1st day of November, 1978", shall be substituted;

(b) in sub-section (3), for the figures, letters and words "1st day of June, 1983", the figures, letters and words "1st day of November, 1983" shall be substituted.

3. *Repeal and saving.*—(1) The Calicut Municipal Corporation (Extension of Time for Reconstitution) Second Amendment Ordinance, 1978 (18 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 10021-4/Leg. C2/78/Law. *Dated, Trivandrum, 5th August 1978, 14th Sravana, 1900.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 4th day of August, 1978.

By order of the Governor,
K. VISWANATHAN NAIR,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/3065/MC.

ACT 27 OF 1978

THE KERALA MUNICIPAL CORPORATIONS (SECOND AMENDMENT) ACT, 1978

An Act to provide for the further extension of the term of office of the Mayor, Deputy Mayor and other councillors and members and chairmen of standing committees of the Corporation of the City of Cochin.

Preamble.—WHEREAS it is expedient to provide for the further extension of the term of office of the Mayor, Deputy Mayor and other councillors and members and chairmen of standing committees of the Corporation of the City of Cochin;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Municipal Corporations (Second Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 31st day of May, 1978.

2. *Extension of term of office of Mayor, Deputy Mayor, councillors etc., of the Corporation of the City of Cochin.*—Notwithstanding anything contained in the Kerala Municipal Corporations Act, 1961 (30 of 1961) (hereinafter referred to as the said Act), the term of office of the Mayor, the Deputy Mayor and other councillors and the members and chairmen of standing committees of the Corporation of the City of Cochin, constituted under the said Act, which expires at noon on the 1st day of June, 1978, shall extend upto noon on the 1st day of November, 1978.

3. *Act 30 of 1961 to be modified temporarily.*—The provisions of the said Act shall, in relation to the Corporation of the City of Cochin, have effect subject to the following modifications, namely:—

(a) the Government shall cause elections to be held to the council so that the newly elected councillors may enter upon office on the 1st day of November, 1978;

(b) the term of office of the newly elected councillors shall, subject to the provisions of the said Act, expire at noon on the 1st day of November, 1983;

(c) the election of the Mayor and the Deputy Mayor shall be held at the first meeting of the council after the 1st day of November, 1978 and the election of the chairman of each standing committee shall be held at the first meeting of such committee after the election of the Mayor;

(d) no election of the Mayor or the Deputy Mayor shall be held at the first meeting of the council after the 1st day of June, 1978, as required by section 28 of the said Act as modified by section 3 of the Kerala Municipal Corporations (Amendment) Act 1978 (12 of 1978).

4. *Repeal and saving.*—(1) The Kerala Municipal Corporations (Second Amendment) Ordinance. 1978 (19 of 1978). is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the said Act as modified by the said Ordinance shall be deemed to have been done or taken under this Act, or as the case may be, under the said Act as modified by this Act.

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GOVERNMENT OF KERALA

Law (Leg. C) Department

NOTIFICATION

No. 9656/Leg. C2/78/Law. *Dated, Trivandrum, 5th August 1978/ 14th Sravana, 1900.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 5th day of August, 1978.

By order of the Governor,

K. VISWANATHAN NAIR,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

33/3066

ACT 28 OF 1978

THE LOCAL AUTHORITIES LAWS (AMENDMENT) ACT, 1978

An Act further to amend the Kerala Panchayats Act, 1960, *the Kerala Municipalities Act,* 1960 *and the Kerala Municipal Corporations Act,* 1961.

Preamble.—WHEREAS it is expedient further to amend the Kerala Panchayats Act, 1960, the Kerala Municipalities Act, 1960 and the Kerala Municipal Corporations Act, 1961, for the purposes hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Local Authorities Laws (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 20th day of April, 1978.

2. *Amendment of Act 32 of* 1960.—In the Kerala Panchayats Act, 1960 (32 of 1960),—

(a) for sections 14 and 15, the following sections shall be substituted, namely:—

"14. *Electoral rolls for every panchayat area.*—For every panchayat area there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the Government may, from time to time, issue in that behalf.

14A. *Disqualifications for registration in electoral roll.*—(1) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral rolls in which it is included:

Provided that the name of any person struck off the electoral roll for a panchayat area by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

14B. *No person to be registered in the electoral roll for more than one local authority.*—A person registered in the electoral roll for a panchayat area shall not be entitled to be registered in the electoral roll for another panchayat area or in the electoral roll for a municipality or city.

Explanation.—For the purposes of this section, the expressions "municipality" and "city" shall have the meanings respectively assigned to them in the Kerala Municipalities Act, 1960 (14 of 1961) and the Kerala Municipal Corporations Act, 1961 (30 of 1961).

14C. *No person to be registered more than once in any panchayat area.*—No person shall be entitled to be registered in the electoral roll for any panchayat area more than once.

14D. *Conditions of registration.*—Subject to the provisions of sections 14, 14A, 14B and 14C, every person who—

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in a panchayat area,

shall be entitled to be registered in the electoral roll for that panchayat area.

Explanation.—For the purposes of this section and section 15, "qualifying date", in relation to the preparation or revision of an electoral roll, means the first day of January of the year in which it is so prepared or revised.

14E. *Meaning of "ordinarily resident".*—(1) A person shall not be deemed to be ordinarily resident in a panchayat area on the ground only that he owns, or is in possession of, a dwelling house therein.

(2) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(3) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place shall not by reason thereof be deemed to be ordinarily resident therein.

(4) If in any case a question arises as to whether a person is ordinarily resident in a panchayat area at any relevant time, the question shall be determined with reference to all facts of the case and to such rules as may be made in this behalf by the Government.

15. *Preparation and revision of electoral roll.*—(1) The electoral roll for each panchayat area shall be prepared in the prescribed manner by any person authorised by the election authority in this behalf by reference to the

qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The electoral roll for a panchayat area shall be divided into separate parts for each ward of the panchayat.

(3) The electoral roll for a panchayat area shall, unless otherwise directed by the Government for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date—

(i) before each ordinary election to the panchayat;

(ii) before each bye-election to fill a casual vacancy in the panchayat.

(4) Every person whose name appears in the electoral roll for a panchayat area shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the ward concerned, and no person whose name does not appear in such roll shall vote at an election:

Provided that no person shall vote at an election of members to a panchayat if he—

(a) has been adjudged to be of unsound mind, or

(b) has voluntarily acquired the citizenship of a foreign State, or

(c) has been sentenced by a criminal court for an electoral offence punishable under section 103 or clause (a) of sub-section (2) of section 104 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification, provided that the disqualification under this clause may at any time be removed by the Government if they think fit.";

(b) after section 15C, the following sections shall be inserted, namely:—

"15 D. *Jurisdiction of civil courts barred.*—No civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a panchayat area; or

(b) to question the legality of any action taken by or under the authority of the election authority under section 15 or section 15A or section 15B.

15E. *Making false declaration.*—If any person makes in connection with—

(a) the preparation, revision or correction of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.".

3. *Amendment of Act 14 of 1961.*—In the Kerala Municipalities Act, 1960 (14 of 1961),—

(a) for sections 57 and 58, the following sections shall be substituted, namely:—

"57. *Electoral roll for every municipality.*—(1) For every municipality there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the Government may, from time to time, issue in that behalf.

57A. *Disqualifications for registration in electoral roll.*—(1) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:

Provided that the name of any person struck off the electoral roll for a municipality by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be re-instated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

57B. *No person to be registered in the electoral roll for more than one local authority.*—A person registered in the electoral roll for a municipality shall not be entitled to be registered in the electoral roll for another municipality or in the electoral roll for a city or a panchayat area.

Explanation.—For the purposes of this section, the expressions "city" and "panchayat area" shall have the meanings respectively assigned to them in the Kerala Municipal Corporations Act, 1961 (30 of 1961) and the Kerala Panchayats Act, 1960 (32 of 1960).

57C. *No person to be registered more than once in any municipality.*—No person shall be entitled to be registered in the electoral roll for any municipality more than once.

57D. *Conditions of registration.*—Subject to the provisions of sections 57, 57A, 57B and 57C, every person who—

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in a municipality,

shall be entitled to be registered in the electoral roll for that municipality.

Explanation.—For the purposes of this section and section 58, "qualifying date", in relation to the preparation or revision of an electoral roll, means the first day of January of the year in which it is so prepared or revised.

57E. *Meaning of "ordinarily resident".*—(1) A person shall not be deemed to be ordinarily resident in a municipality on the ground only that he owns, or is in possession of, a dwelling house therein.

(2) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(3) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place shall not by reason thereof be deemed to be ordinarily resident therein.

(4) If in any case a question arises as to whether a person is ordinarily resident in a municipality at any relevant time, the question shall be determined with reference to all facts of the case and to such rules as may be made in this behalf by the Government.

58. *Preparation and revision of electoral roll.*—(1) The electoral roll for each municipality shall be prepared by the election authority in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The electoral roll for a municipality shall be divided into separate parts for each ward of the municipality.

(3) The electoral roll for a municipality shall, unless otherwise directed by the Government for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date—

(i) before each ordinary election to the municipal council;

(ii) before each bye-election to fill a casual vacancy in the municipal council.

(4) Every person whose name appears in the electoral roll for a municipality shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the ward concerned, and no person whose name does not appear in such roll shall vote at such an election:

Provided that no person shall vote at an election of councillors if he—

(a) has been adjudged to be of unsound mind, or

(b) has voluntarily acquired the citizenship of a foreign State, or

(c) has been sentenced by a criminal court for an electoral offence punishable under section 71 or clause (a) of sub-section (2) of section 72 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification, provided that the disqualification under this clause may at any time be removed by the Government if they think fit.";

(b) after section 58C, the following sections shall be inserted, namely:—

"58D. *Jurisdiction of civil courts barred.*—No civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in the electoral roll for a municipality; or

(b) to question the legality of any action taken by or under the authority of the election authority under section 58 or section 58A or section 58B.

58E. *Making false declaration.*—If any person makes in connection with—

(a) the preparation, revision or correction of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.".

4. *Amendment of Act 30 of 1961.*—In the Kerala Municipal Corporations Act, 1961 (30 of 1961),—

(a) in section 3, after clause (15), the following clause shall be inserted, namely:—

"(15A) "election authority" means such authority, not being the Mayor or the Deputy Mayor or a councillor, as may be appointed by the Government by notification in the Gazette;";

(b) for sections 46, 47 and 48, the following sections shall be substituted, namely:—

"46. *Electoral roll for every city.*—For every city there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the Government may, from time to time, issue in that behalf.

47. *Disqualifications for registration in electoral roll.*—(1) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the electoral roll in which it is included:

Provided that the name of any person struck off the electoral roll for a city by reason of a disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

47A. *No person to be registered in the electoral roll for more than one local authority.*—A person registered in the electoral roll for a city shall not be entitled to be registered in the electoral roll for another city or in the electoral roll for a municipality or panchayat area.

Explanation.—For the purposes of this section, the expressions "municipality" and "panchayat area" shall have the meanings respectively assigned to them in the Kerala Municipalities Act, 1960 (14 of 1961) and the Kerala Panchayats Act, 1960 (32 of 1960).

47B. *No person to be registered more than once in any city.*—No person shal be entitled to be registered in the electoral roll for any city more than once.

47C. *Conditions of registration.*—Subject to the provisions of sections 46, 47, 47A and 47B, every person who—

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in a city,

shall be entitled to be registered in the electoral roll for that city.

Explanation.—For the purposes of this section and section 48, "qualifying date", in relation to the preparation or revision of an electoral roll, means the first day of January of the year in which it is so prepared or revised.

47D. *Meaning of "ordinarily resident".*—(1) A person shall not be deemed to be ordinarily resident in a city on the ground only that he owns, or is in possession of, a dwelling house therein.

(2) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(3) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place shall not by reason thereof be deemed to be ordinarily resident therein.

(4) If in any case a question arises as to whether a person is ordinarily resident in a city at any relevant time, the question shall be determined with reference to all facts of the case and to such rules as may be made in this behalf by the Government.

48. *Preparation and revision of electoral roll.*—(1) The electoral roll for each city shall be prepared by the election authority in the prescribed manner by reference to the qualifying date and shall come into force immediately upon its final publication in accordance with the rules made under this Act.

(2) The electoral roll for a city shall be divided into separate parts for each division.

(3) The electoral roll for a city shall, unless otherwise directed by the Government for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date—

(i) before each ordinary election to the Corporation;

(ii) before each bye-election to fill a casual vacancy in the Corporation.

(4) Every person whose name appears in the electoral roll for a city shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the division concerned, and no person whose name does not appear in such roll shall vote at such an election:

Provided that no person shall vote at an election of councillors if he—

(a) has been adjudged to be of unsound mind, or

(b) has voluntarily acquired the citizenship of a foreign State, or

(c) has been sentenced by a criminal court for an electoral offence punishable under section 61 or clause (a) of sub-section (2) of section 62 or has been disqualified from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification, provided that the disqualification under this clause may at any time be removed by the Government if they think fit.";

(c) after section 48C, the following sections shall be inserted, namely:—

"48D. *Jurisdiction of civil courts barred.*—No civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in the electoral roll for a city; or

(b) to question the legality of any action taken by or under the authority of the election authority under section 48 or section 48A or section 48B.

48E. *Making false declaration.*—If any person makes in connection with—

(a) the preparation, revision or correction of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.".

5. *Repeal and saving.*—(1) The Local Authorities Laws (Amendment) Ordinance, 1978 (11 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Kerala Panchayats Act, 1961, or the Kerala Municipalities Act, 1960, or the Kerala Municipal Corporations Act, 1961 as amended by the said Ordinance shall be deemed to have been done or taken under the Kerala Panchayats Act, 1960, or the Kerala Municipalities Act, 1960, or the Kerala Municipal Corporations Act, 1961, as thecase may be, as amended by this Act.